

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 1:17CR32-24
(Judge Keeley)

KIMBERLY MOZIE,

Defendant.

ORDER FOLLOWING HEARING ADOPTING REPORT AND RECOMMENDATION
CONCERNING DEFENDANT'S PLEA OF GUILTY [DKT. NO. 1487]

Following testimony by the defendant, Kimberly Mozie ("Mozie"), and after hearing the arguments of the parties, for reasons stated on the record at the hearing held on October 15, 2019, the Court found that Mozie was capable and competent to enter a plea, that her plea was knowingly and voluntarily given, that she was aware of the nature of the charge against her and of the consequences of her plea, and that a factual basis existed for the tendered plea of guilty.

Accordingly, this Court now **ADOPTS** the Report and Recommendation of United State Magistrate Judge Michael J. Aloia (Dkt. No. 1487), **ACCEPTS** Mozie's plea of guilty to Count Eighty-One of the Superseding Indictment, and **ADJUGES** her **GUILTY** of that crime.

Pursuant to Fed. R. Crim. P. 11(c)(3) and U.S.S.G. § 6B1.1(c), the Court **DEFERS** acceptance of the proposed plea agreement until it

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has received and reviewed the presentence report prepared in this matter.

Pursuant to U.S.S.G. § 6A1 et seq., the Court **ORDERS** as follows:

1. The Probation Officer shall undertake a presentence investigation of Mozie, and prepare a presentence report for the Court;

2. The Government and Mozie shall provide their versions of the offense to the probation officer by **October 25, 2019**;

3. The presentence report shall be disclosed to Mozie, defense counsel, and the United States on or before **December 13, 2019**; however, the Probation Officer shall not disclose any sentencing recommendations made pursuant to Fed. R. Crim. P. 32(e)(3);

4. Counsel may file written objections to the presentence report on or before **January 2, 2020**;

5. The Office of Probation shall submit the presentence report with addendum to the Court on or before **January 16, 2020**; and

6. Counsel may file any written sentencing statements and motions for departure from the Sentencing Guidelines, including the

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factual basis from the statements or motions, on or before **January 16, 2020**.

The magistrate judge continued Mozie on bond pursuant to the Order Setting Conditions of Release (dkt. no. 16) entered on June 8, 2017.

The Court will conduct the sentencing hearing for the defendant on **Tuesday, January 28, 2020 at 9:30 A.M.** at the **Clarksburg, West Virginia** point of holding court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record and all appropriate agencies.

DATED: October 15, 2019

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE